

E. LEIF REID, Nevada Bar No. 5750
KRISTEN L. MARTINI, Nevada Bar No. 11272
NICOLE SCOTT, Nevada Bar No. 13757
LEWIS ROCA ROTHGERBER CHRISTIE LLP
One East Liberty Street, Suite 300
Reno, NV 89501-2128
Tel: 775.823.2900
Fax: 775.823.2929
Email: lreid@lrrc.com
kmartini@lrrc.com
nscott@lrrc.com

JOSEPH M. ALIOTO, *PRO HAC VICE*
JAMIE L. MILLER, *PRO HAC VICE*
ALIOTO LAW FIRM
One Sansome Street, 35th Floor
San Francisco, CA 94104
Tel: 415.434.8900
Fax: 415.434.9200
Email: jmalieto@aliotolaw.com
jmillier@aliotolaw.com

JAMES J. PISANELLI, Nevada Bar No. 4027
TODD L. BICE, Nevada Bar No. 4534
JORDAN T. SMITH, Nevada Bar No. 12097
PISANELLI BICE PLLC
400 South 7th Street, Suite 300
Las Vegas, Nevada 89101
Telephone: 702.214.2100
Email: JJP@pisanellibice.com
TLB@pisanellibice.com
JTS@pisanellibice.com

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

LAS VEGAS SUN, INC., a Nevada
corporation,

Plaintiff,

v.

SHELDON ADELSON, an individual and as
the alter ego of News+Media Capital Group
LLC and as the alter ego of Las Vegas
Review Journal, Inc.; PATRICK DUMONT,
an individual; NEWS+MEDIA CAPITAL
GROUP LLC, a Delaware limited liability
company; LAS VEGAS REVIEW-
JOURNAL, INC., a Delaware corporation;
and DOES, I-X, inclusive,

Defendants.

Case No. 2:19-CV-01667-RFB-BNW

**PLAINTIFF'S MOTION FOR LEAVE
TO FILE DOCUMENTS UNDER SEAL
[EXHIBITS 6, 8, AND 11 TO
PLAINTIFF'S OPPOSITION TO LAS
VEGAS REVIEW-JOURNAL, INC.
AND NEWS+MEDIA CAPITAL
GROUP LLC'S MOTION TO DISMISS
COMPLAINT (FRCP 12(B)(6)) [ECF
NO. 20] AND DEFENDANT SHELDON
ADELSON AND PATRICK DUMONT'S
JOINDER THEREIN [ECF NO. 22]
AND REFERENCES THERETO]**

Pursuant to LR IA 10-5 of the Local Rules of Practice for the United States District Court of Nevada, Plaintiff Las Vegas Sun, Inc. (“Sun”), by and through its counsel of record, the law firms of Lewis Roca Rothgerber Christie LLP, Pisanelli Bice PLLC, and the Alioto Law Firm, hereby requests leave to file under seal Exhibits 6, 8, and 11 (“Exhibits”) in support of the contemporaneously filed Plaintiff’s Opposition to Las Vegas Review Journal, Inc. and News+Media Capital Group LLC’s Motion to Dismiss Complaint (FRCP 12(b)(6)) [ECF No. 20] and Defendant Sheldon Adelson and Patrick Dumont’s Joinder Therein [ECF No. 22] (“Opposition”), and portions of the Opposition, which reference, discuss, and cite to the documents contained in Exhibits 6, 8, and 11. The Exhibits contain information designated confidential under a release and settlement agreement. The Motion is based upon the following Memorandum of Points and Authorities, the attached Exhibits, and the pleadings and papers on file herein.

DATED this 6th day of December, 2019.

LEWIS ROCA ROTHGERBER CHRISTIE LLP

By: /s/ E. Leif Reid

E. Leif Reid, Bar No. 5750
 Kristen L. Martini, Bar No. 11272
 Nicole Scott, Bar No. 13757
 One East Liberty Street, Suite 300
 Reno, NV 89501-2128

Joseph M. Alioto, *Pro Hac Vice*
 Jamie L. Miller, *Pro Hac Vice*
 ALIOTO LAW FIRM
 One Sansome Street, 35th Floor
 San Francisco, CA 94104

PISANELLI BICE PLLC
 James J. Pisanelli, Bar No. 4027
 Todd L. Bice, Bar No. 4534
 Jordan T. Smith, Bar No. 12097
 400 South 7th Street, Suite 300
 Las Vegas, Nevada 89101

Attorneys for Plaintiffs

MEMORANDUM OF POINTS AND AUTHORITIES

With this Motion for Leave to File Documents Under Seal (“Motion”), the Sun also filed Plaintiff’s Opposition to Las Vegas Review-Journal, Inc. and News+Media Capital Group LLC’s Motion to Dismiss Complaint (FRCP 12(B)(6)) [ECF NO. 20] and Defendant Sheldon Adelson And Patrick Dumont’s Joinder Therein [ECF No. 22] (“Opposition”). The Exhibits contain documents derived from a 2016 arbitration proceeding that resulted in a Settlement Agreement and Release dated December 13, 2016 (“Settlement Agreement”) between the following parties: (Plaintiff) Las Vegas Sun, Inc., Stephens Media LLC, (Defendant) News+Media Capital Group LLC, (Defendant) Las Vegas Review Journal, Inc., DB Acquisition, Inc., and New Media Investment Group, Inc. These Exhibits were designated confidential pursuant to the Settlement Agreement.

“[T]he courts of this country recognize a general right to inspect and copy public records and documents, including judicial records and documents.” *Nixon v. Warner Commc’ns, Inc.*, 435 U.S. 589, 597 (1978) (footnote omitted). There is a strong presumption in favor of public access to filed documents, and the “party seeking to seal a judicial record then bears the burden of overcoming this strong presumption.” *Kamakana v. City & Cnty. of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006). Nevertheless, the Court has “broad latitude” under Rule 26(c) “to prevent disclosure of materials for many types of information, including, *but not limited to*, trade secrets, or other confidential research, development, or commercial information.” *Phillips v. Gen. Motors Corp.*, 307 F.3d 1206, 1212 (9th Cir. 2002) (citations omitted).

“Accordingly, a party seeking to seal a judicial record [] bears the burden of overcoming this strong presumption by meeting the compelling reasons standard,” whereby “a court may seal records only when it finds a compelling reason and articulates the factual basis for its ruling, without relying on hypothesis or conjecture.” *Ctr. for Auto Safety v. chrysler Grp., LLC*, 809 F.3d 1092, 1096-97 (9th Cir. 2016). “The court must then

1 conscientiously balance the competing interests of the public and the party who seeks to
2 keep certain judicial records secret.” *Id.* at 1097.

3 In the present case, the information sought to be protected is transcript testimony and
4 an answering statement from the 2016 arbitration described above. Those proceedings
5 ultimately resulted in a confidential settlement and release, and the above-referenced
6 Settlement Agreement.¹

7 The documents therefore are entitled to confidentiality protection and the Sun
8 requests that the Court seal the following:

9 1. Exhibit 6: arbitration hearing transcript excerpts from the 2016 arbitration
10 discussing the 2005 JOA amendment process;

11 2. Exhibit 8: arbitration hearing transcript excerpts from the 2016 arbitration
12 discussing the 2005 JOA amendment process; and

13 3. Exhibit 11: The RJ’s answering statement from the 2016 arbitration asserting
14 the RJ’s affirmative defenses.

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27 ¹ Pursuant to the Settlement Agreement, the admitted exhibits, testimony, and any pleadings
28 were to remain confidential.

1 As these documents were designated confidential as part of the 2016 arbitration and
2 ultimate Settlement Agreement, the Sun has filed the documents under seal, and redacted the
3 referenced portions within the Opposition.

4 DATED this 6th day of December, 2019.

5 LEWIS ROCA ROTHGERBER CHRISTIE LLP

6
7 By: /s/ E. Leif Reid

8 E. Leif Reid, Bar No. 5750
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10 Nicole Scott, Bar No. 13757
11 One East Liberty Street, Suite 300
12 Reno, NV 89501-2128

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17 San Francisco, CA 94104

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19 James J. Pisanelli, Bar No. 4027
20 Todd L. Bice, Bar No. 4534
21 Jordan T. Smith, Bar No. 12097
22 400 South 7th Street, Suite 300
23 Las Vegas, Nevada 89101

24 *Attorneys for Plaintiffs*
25
26
27
28

CERTIFICATE OF SERVICE

Pursuant to Federal Rule of Civil Procedure 5(b), I certify that I am an employee of Lewis Roca Rothgerber Christie LLP, and that on this date, I caused the foregoing **PLAINTIFF'S MOTION FOR LEAVE TO FILE DOCUMENTS UNDER SEAL [EXHIBITS 6, 8, AND 11 TO PLAINTIFF'S OPPOSITION TO LAS VEGAS REVIEW-JOURNAL, INC. AND NEWS+MEDIA CAPITAL GROUP LLC'S MOTION TO DISMISS COMPLAINT (FRCP 12(B)(6)) [ECF NO. 20] AND DEFENDANT SHELDON ADELSON AND PATRICK DUMONT'S JOINDER THEREIN [ECF NO. 22] AND REFERENCES THERETO]** to be served by electronically filing the foregoing with the CM/ECF electronic filing system, which will send notice of electronic filing to the following:

J. Randall Jones, Esq.
Michael J. Gayan, Esq.
Monah Kaveh, Esq.
KEMP, JONES, & COULTHARD, LLP
3800 Howard Hughes Parkway, 17th Floor
Las Vegas, Nevada 89169

Richard L. Stone, Esq.
Amy M. Gallegos, Esq.
David R. Singer, Esq.
JENNER & BLOCK LLP
633 West 5th Street, Suite 3600
Los Angeles, California 90071

DATED this 6th day of December, 2019.

/s/ Autumn D. McDannald
An employee of LEWIS ROCA
ROTHGERBER CHRISTIE LLP

E. LEIF REID, Nevada Bar No. 5750
 KRISTEN L. MARTINI, Nevada Bar No. 11272
 NICOLE SCOTT, Nevada Bar No. 13757
 LEWIS ROCA ROTHGERBER CHRISTIE LLP
 One East Liberty Street, Suite 300
 Reno, NV 89501-2128
 Tel: 775.823.2900
 Fax: 775.823.2929
 Email: lreid@lrrc.com
 kmartini@lrrc.com
 nscott@lrrc.com

JOSEPH M. ALIOTO, *PRO HAC VICE*
 JAMIE L. MILLER, *PRO HAC VICE*
 ALIOTO LAW FIRM
 One Sansome Street, 35th Floor
 San Francisco, CA 94104
 Tel: 415.434.8900
 Fax: 415.434.9200
 Email: jmalieto@aliotolaw.com
 jmiller@aliotolaw.com

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 TODD L. BICE, Nevada Bar No. 4534
 JORDAN T. SMITH, Nevada Bar No. 12097
 PISANELLI BICE PLLC
 400 South 7th Street, Suite 300
 Las Vegas, Nevada 89101
 Telephone: 702.214.2100
 Email: JJP@pisanellibice.com
 TLB@pisanellibice.com
 JTS@pisanellibice.com

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
 DISTRICT OF NEVADA

LAS VEGAS SUN, INC., a Nevada
 corporation,

Plaintiff,

v.

SHELDON ADELSON, an individual and as
 the alter ego of News+Media Capital Group
 LLC and as the alter ego of Las Vegas
 Review Journal, Inc.; PATRICK DUMONT,
 an individual; NEWS+MEDIA CAPITAL
 GROUP LLC, a Delaware limited liability
 company; LAS VEGAS REVIEW-
 JOURNAL, INC., a Delaware corporation;
 and DOES, I-X, inclusive,

Defendants.

Case No. 2:19-CV-01667-RFB-BNW

**[PROPOSED] ORDER GRANTING
 PLAINTIFF'S MOTION FOR LEAVE
 TO FILE DOCUMENTS UNDER SEAL
 [EXHIBITS 6, 8, AND 11 TO
 PLAINTIFF'S OPPOSITION TO LAS
 VEGAS REVIEW-JOURNAL, INC.
 AND NEWS+MEDIA CAPITAL
 GROUP LLC'S MOTION TO DISMISS
 COMPLAINT (FRCP 12(B)(6)) [ECF
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 ADELSON AND PATRICK DUMONT'S
 JOINDER THEREIN [ECF NO. 22]
 AND REFERENCES THERETO]**

1 Pending before this Court is Plaintiff's Motion for Leave to File Documents Under
 2 Seal [Exhibits 6, 8, and 11 to Plaintiff's Opposition to Las Vegas Review Journal, Inc. and
 3 News+Media Capital Group LLC's Motion to Dismiss Complaint (FRCP 12(b)(6)) [ECF
 4 No. 20] and Defendant Sheldon Adelson and Patrick Dumont's Joinder Therein [ECF No.
 5 22] and References Thereto] ("Opposition"). Federal Rule of Civil Procedure 26(c) provides
 6 discretion for a trial court to permit sealing of court documents. Fed. R. Civ. P. 26(c). The
 7 Court has "broad latitude" under Rule 26(c) "to prevent disclosure of materials for many
 8 types of information, including, *but not limited to*, trade secrets, or other confidential
 9 research, development, or commercial information." *Phillips v. Gen. Motors Corp.*, 307 F.3d
 10 1206, 1212 (9th Cir. 2002) (citations omitted). Here, the Exhibits contain documents derived
 11 from the 2016 arbitration proceedings that resulted in a Settlement Agreement and Release
 12 dated December 13, 2016 ("Settlement Agreement") between the following parties: Las
 13 Vegas Sun, Inc., Stephens Media LLC, News+Media Capital Group LLC, Las Vegas Review
 14 Journal, Inc., DB Acquisition, Inc., and New Media Investment Group, Inc. These Exhibits
 15 were designated confidential pursuant to the Settlement Agreement.

16 Thus, having considered Plaintiff's motion, and good cause existing:

17 IT IS HEREBY ORDERED that Plaintiff's Motion For Leave to File Under Seal
 18 Exhibits 6, 8, and 11, to the contemporaneously filed Opposition and references thereto is
 19 GRANTED. The Clerk of the Court shall file under seal Exhibits 6, 8, and 11, in addition
 20 to portions of the Opposition, which references, discusses, and cites to the documents
 21 contained in Exhibits 6, 8, and 11, under seal.

22
 23 IT IS SO ORDERED:

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 25 _____
 UNITED STATES MAGISTRATE JUDGE

26 DATED: _____
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